

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

CR 10-27-GF-BMM

Plaintiff,

ORDER

vs.

MARTIN RAY HOULE,

Defendant.

This case was referred to United States Magistrate Judge Keith Strong for a revocation hearing and findings and recommendations. Judge Strong entered his findings and recommendations on February 5, 2014. Defendant admitted he had violated Special Condition 2 of his supervised release by failing to report for a urinalysis test and for violating Standard Condition 2 of his supervised release by failing to attend a scheduled meeting with his probation officer. Judge Strong found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit

him to the custody of the United States Bureau of Prisons for a term of imprisonment of 4 months, with 22 months of supervised release to follow.

No objections were filed by either party. Judge Strong's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Strong's findings. Defendant admitted to the violations. Defendant could be imprisoned up to 24 months, followed by 26 months of supervised release, less any custodial time imposed. The United States Sentencing Guidelines call for a term of imprisonment of 4 to 10 months. A sentence of 4 months in custody is appropriate because Defendant's repeated violations of supervised release conditions are serious breaches of the court's trust that merit a custodial sanction but a low end of the guideline range is appropriate because the Defendant did not appear to be a danger to the community and the violations are not related to the underlying offense. A lengthy period of supervision is appropriate because it will provide Defendant the support and structure he needs. Mr. Houle should be placed at FCI Sheridan if at all possible.

IT IS ORDERED that Judge Strong's Findings and Recommendations (doc. 98) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 5th day of March, 2014.

A handwritten signature in blue ink, appearing to read "Brian Morris".

Brian Morris
United States District Court Judge